(3)

CH1007

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

W.P. No. 2875/2003

PETITIONER : Lal Bahadur Sharma
S/o Late Shri R.P. Sharma
Aged about 37 years
R/o Mathpara, Raipur
Distt. Raipur (C.G.)

P. R. No. 22/12/03
Presented by Shri U. K. Singh Chandel
dated 10.09.03

VERSUS

RESPONDENT : 1. State of Chhattisgarh
through Secretory, C.G.Govt.
(Co-Operative Department)

WRIT PETITION UNDER ARTICLES 226/227 OF THE CONSTITUTION OF INDIA.

XI-HC-22

(23)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P.No. 2875/ सन् 2003

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

16.09.2003

Shri Umakant Chandel, Counsel for the petitioner.

Smt. Chitra Shrivastava, P.L. for the State.

Heard.

By this writ petition under Articles 226 and 227 of the Constitution of India the petitioner seeks to challenge the order dated 27.08.2003 by which the petitioner has been again transferred to his original place i.e. Kartala, District Korba.

Learned counsel for the petitioner submits that the petitioner was appointed as Lower Division Clerk on 2.12.1988 at Mahasamund in Co-operative Department and in the year 1995 the petitioner was transferred from Mahasamund to Raipur and thereafter the petitioner in the year 1995 on reorganization of the district the petitioner was working in the District Dhamtari and ultimately the petitioner was promoted on the post of Assistant Supervisor through the departmental examination and the petitioner was transferred from Dhamtari to Kartala, District Korba. It is further submitted that the petitioner was working on the post of Assistant Supervisor from 7.2.2000 to 4.8.2003 at Kartala, District Korba. Since the petitioner's native place is Raipur where his mother who is 62 years old suffering from Cervical Spondylitis and there is nobody to lookafter her and petitioner is also suffering from emotional disorder and was willing to be transferred nearby his native place, and accordingly, the petitioner was transferred to Durg

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

District on the post of Assistant Registrar, Co-operative Societies from Kartala, District Korba by transfer order dated 2nd August, 2003 in place of Shri T.K.Chandrakar and the petitioner was relieved from that post and ultimately he joined at the new post on 5.8.2003 and the petitioner started working. It is further submission of the petitioner that all of sudden the petitioner was astonished to receive the transfer order dated 27.08.2003 which is totally mala fide and violative of Articles 14, 15 and 16 of the Constitution of India. This transfer order has been effected without giving an opportunity of being heard to the petitioner.

I have heard the learned counsel for the petitioner. It is an admitted position that the petitioner was working as Assistant Registrar, Co-operative Societies at Kartala, District Korba and on his own request the petitioner was transferred from Kartala to Durg vide order dated 2.8.2003 and again that transfer order has been modified and cancelled the same vide order dated 27.08.2003. In fact, this is not a transfer but the earlier transfer which was made at the request of the petitioner has been cancelled and the petitioner has been asked to report at his old place of posting. If the petitioner has any difficulty or grievance, he is entitled to make a representation to the concerned authority explaining his difficulties regarding his old mother and it is for the State Government to consider the difficulty of the petitioner. If the petitioner can be adjusted with the administrative exigencies, then the State Government can adjust the petitioner anywhere near the Raipur. Therefore, the

[पीछे दे

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -3-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

petitioner is allowed to make a detailed representation raising his grievances and difficulties within a period of 10 days from today to the Respondent and the Respondent in turn will decide his representation within a period of 30 days from the date of receipt of representation in an objective manner and a reasoned order.

The writ petition is disposed of with the aforesaid observation and direction. Consequently, M.W.P. No.2636/2003 and I.A.No.8602/03 also stand disposed of.

Certified copy as per rules.

Sd/-
L.C. Bhadoo
Judge

Anjani

[पीछे देखिये